

REMARKS/ARGUMENTS

In the Office Action issued August 22, 2005, claims 1-85 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,574,678 to NyKanen et al. (NyKanen) in view of US Patent Application Publication No. 2005/0089052 to Chen et al. (Chen).

Claims 1-85 are now pending in this application. Claims 1, 9, 20, 24, 32, 42, 44, 52, 63, 65, 73, and 84 have been amended to clarify the subject matter that the applicant considers to be the invention and to correct typographical errors.

The applicant respectfully traverses the reliance upon Chen as a prior art reference in this application. The disclosure of Chen relied upon by the Examiner in issuing the rejection is not properly prior art to the present application. The subject matter of Chen that is indicated by the Examiner as being relevant to the present application is the security module 109 and its constituent components. No disclosure of this subject matter appears in the parent application of Chen, US Patent Application No. 09/773,103 (see attachment), or in the provisional applications of which Chen claims the benefit, Provisional Application No. 60/179,042 and Provisional Application No. 60/189,870 (see attachments). Rather, this subject matter is disclosed for the first time in US Patent Application No.10/916,832, filed August 12, 2004, and published April 28, 2005 as US Patent Application Publication No. 2005/0089052.

Therefore, the subject matter of Chen that is indicated by the Examiner as being relevant to the present application is not properly prior art under any paragraph of 35 U.S.C. §102. In particular, this subject matter is not properly prior art under:

35 U.S.C. §102(a) - there is no indication from the record that the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent. The earliest date in the record that the subject matter was known is August 12, 2004. This is after the filing date (and therefore after the date of invention) of the present application, December 20, 2001.

35 U.S.C. §102(b) - the invention was not patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. The first publication date of the subject matter that is in the record is the publication date of US Patent Application Publication No. 2005/0089052, April 28, 2005, which is not one year before the filing date of the present application, December 20, 2001.

35 U.S.C. §102(e) - the invention was not described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent. US Patent Application No.10/916,832 was filed August 12, 2004, and published April 28, 2005 as US Patent Application Publication No. 2005/0089052. This is after the filing date (and therefore after the date of invention) of the present application, December 20, 2001.

In addition to the above-stated traversal, the applicant respectfully submits that the present invention, according to claims 1-85, is not obvious over NyKanen in view of Chen, because even if NyKanen and Chen were combined as suggested by the Examiner,

the result would not be the present invention, as claimed. NyKanen discloses a method for installing at least one service of at least one external device to a data processor. Said at least one service can be used for controlling the functions of said external device from the data processor. In the method, a local area link is established for transferring information between said data processor and said at least one external device. From said at least one external device, it is determined which are the services available in it. In the data processor (PC, LPC, PR), there is at least one service packet. The service packet is installed, which contains at least one of said services available in the wireless communication device.

Chen discloses a broadband communications access device. The broadband communications access devices includes a gateway interface, wired interface, wireless interface and security interface for providing secure wired and wireless broadband communications access. In particular, Chen discloses a security module that includes a security server that creates and manages dynamic per session security keys (e.g., encryption keys) each time users desire a login. The security server also authenticates users by distributing and managing their individual security certificates (e.g., digital certificates). Thus, it is seen that Chen teaches securing the communications to the device, by authenticating users and encrypting the communications to the device.

By contrast, the present invention, for example, according to claim 1, requires executing the command at the wireless device after verifying the signature of the command and signature of the device are in agreement. Thus, the present invention

secures the execution of commands to be run on the device. Chen does not disclose or suggest this, rather, Chen only teaches securing the communications to the device.

Thus, the present invention, according to claim 1, and according to claims 24, 44, and 65, which are similar to claim 1, and according to claims 2-23, 25-43, 45-64, and 66-85, which depend therefrom, is not unpatentable over NyKanen in view of Chen.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

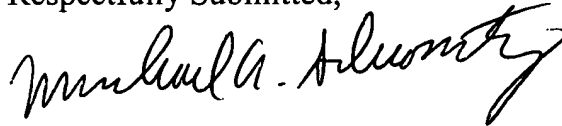
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19527.0004).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Schwartz", written in a cursive style.

Michael A. Schwartz
Reg. No. 40,161

Dated: February 22, 2006

Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500